

UNITED STATES DISTRICT COURT

for the

Middle District of North Carolina

United States of America)
v.)
Lucas GODINES-CARDENAS) Case No. 1:23MJ 703
a.k.a. Lucas Godines Cardenas, Lucas Cardenas
Godines, Lucas Godines, Manuel
Garcia-Hernandez, and Manuel Garcia)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 01, 2023 in the county of Surry in the
Middle District of North Carolina, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
8 USC Section 1326(a)& (b)(1)	Being found in the United States while an alien being previously removed or deported from the United States subsequent to a conviction for commission of a felony (other than an aggravated felony) without the express consent of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States, in violation of Title 8, United States Code, Sections 1326(a) & (b)(1).

This criminal complaint is based on these facts:

See Affidavit

Continued on the attached sheet.

On this day, the applicant appeared before me via reliable electronic means, that is by telephone, was placed under oath, and attested to the contents of this Criminal Complaint and attached affidavit in accordance with the requirements of Fed. R. Crim. P. 4.1.

Date: 05/11/23

City and state: Greensboro, North Carolina

/S/ Erin North

Complainant's signature

Erin North, Deportation Officer

Printed name and title



Judge's signature

L. Patrick Auld, United States Magistrate Judge

Printed name and title

IN UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

AFFIDAVIT

I, Erin North, Deportation Officer, United States Immigration and Customs Enforcement, United States Department of Homeland Security, being duly sworn, state that:

1. Your Affiant is a graduate of the Federal Law Enforcement Training Center (FLETC) and has been employed as a federal officer of Immigration and Customs Enforcement (ICE) for seventeen years, during which time she has conducted numerous investigations relating to administrative and criminal violations of the Immigration & Nationality Act (INA).
2. The information contained in this affidavit is based on your Affiant's personal participation in this investigation and from information provided to your Affiant by other law enforcement officers. This affidavit is submitted for the limited purpose of establishing probable cause to support the issuance of a criminal complaint against Lucas GODINES-CARDENAS, also known as Lucas Godines Cardenas, Lucas Cardenas Godines, Lucas Godines, Manuel Garcia-Hernandez, and Manuel Garcia [hereafter referred to as GODINES-CARDENAS]. Your Affiant has not included each and every fact known to her concerning this investigation but has set forth only those facts believed to be necessary for said purpose.
3. Your Affiant respectfully asserts that sufficient evidence exists to support a probable cause finding that GODINES-CARDENAS has violated Title 8, United States Code, Section 1326(a)&(b)(1) (illegal reentry into the United States by an alien who was previously removed from the United States subsequent to the conviction for the commission of a felony). GODINES-CARDENAS did not obtain the consent of the Attorney General of the United States prior to March 1, 2003, nor the Secretary of the Department of Homeland Security after February 28, 2003, to reapply for admission to the United States after removal.
4. On February 22, 2022, GODINES-CARDENAS was arrested by the Surry County, NC, Sheriff's Office for STATUTORY RAPE OF CHILD <= 15 (Court Docket 2022CR50369; date of offense was September 11, 2021; at time of the offense victim was 14 years old; he was between 47 and 49 years old, depending on the date of birth used to calculate his age), and transported to the Surry County Detention Center in Dobson.
5. On January 31, 2023, GODINES-CARDENAS was fingerprinted by the Surry County, NC, Sheriff's Office for STATUTORY RAPE OF CHILD BY ADULT. The arrest prints were submitted through the FBI to the ICE Law Enforcement Support Center pursuant to the federal initiative titled Secure Communities via an Immigration Alien Query. The fingerprint-based report disclosed that he was the subject of FBI Number XXX935JB6, State Identification Numbers NCXXX8910A and TXXXX62239, Immigration A-file Number XXX-405-959, and that immigration records indicated that he was removed from the United States without record of legal re-entry.

6. On February 01, 2023, an Immigration Detainer was lodged against GODINES-CARDENAS with the Surry County, NC, Detention Center.

7. On April 17, 2023, he was convicted in Surry County, NC, Superior Court for INDECENT LIBERTIES WITH CHILD, and sentenced to 19-32 months of confinement, suspended for 8 months of confinement and 36 months of supervised probation. Court Docket 2023CRS274; date of offense was September 11, 2021, at which time the victim was 14 years old and he was between 47 and 49 years old (depending on the date of birth used to calculate his age); date of arrest was February 22, 2022.

8. Your Affiant conducted criminal justice inquiries and database searches, reviewed Immigration A-file XXX-405-959 relating to GODINES-CARDENAS, and discovered that:

- a) his name is Lucas GODINES-CARDENAS, per his own statements;
- b) he is also known as Lucas Godines Cardenas, Lucas Cardenas Godines, Lucas Godines, Manuel Garcia-Hernandez, and Manuel Garcia;
- c) he is citizen of Mexico by virtue of birth in Guanajuato, Mexico, on March 25, 19XX, per his own statements, and that he has also used May 05, 1972, November 11, 1972, November 11, 1973, November 14, 1973, and November 15, 1973, as his date of birth;
- d) he was assigned FBI number XXX935JB6, State Identification Numbers NCXXX8910A and TXXXX62239, North Carolina Department of Adult Corrections Offender ID XXX1772, and United States Marshals Register Number XXX25-179;
- e) on April 09, 1998, he was convicted in the 40th Judicial District Court of Ellis County, TX, for UNAUTHORIZED USE OF A MOTOR VEHICLE, and sentenced to 365 days of confinement, suspended for 3 years of supervision. Cause Number 23459CR; date of arrest was March 19, 1998;
- f) on September 30, 1998, the supervision ordered by the 40th Judicial District Court of Ellis County, TX, for UNAUTHORIZED USE OF A MOTOR VEHICLE under Cause Number 23459CR, was revoked after finding that he violated the conditions of supervision, and he was sentenced to 200 days of confinement. Cause Number 23459CR; date of original arrest was March 19, 1998;
- g) on October 26, 1998, he was convicted in Ellis County, TX, Court for CRIMINAL TRESPASS, and sentenced to 46 days of confinement. Cause Number 9811851CR; date of arrest was September 13, 1998;
- h) on October 29, 1998, he was convicted in Ellis County, TX, Court for ASSAULT CAUSING BODILY INJURY, and sentenced to 90 days of confinement, suspended for 2 years of community supervision, with the notation, "Do not assault Sandra Whitaker". Cause Number 9811850-CR; date of arrest was September 13, 1998;
- i) on October 29, 1998, he was convicted in Ellis County, TX, Court for RESISTING ARREST, SEARCH, TRANSPORT, and sentenced to 46 days of confinement. Cause Number 9811849CR; date of arrest was September 13, 1998;
- j) on November 03, 1998, he was encountered by INS Special Agents pursuant to his incarceration at the Ellis County, TX, Jail, and determined to be unlawfully present in the United States;
- k) on May 05, 1999, he was ordered removed from the United States to Mexico by an Immigration Judge in Harlingen, TX, under the name Lucas Godines-Cardenas;

- l) on May 05, 1999, agency form I-205 Warrant of Removal/ Deportation was executed by including his photograph, fingerprint, and signature, and GODINES-CARDENAS was removed from the United States to Mexico, by foot, at Hidalgo, TX;
- m) on May 06, 1999, he was encountered by Border Patrol at/ near Laredo, TX, determined to be unlawfully present in the United States, and subsequently voluntarily returned to Mexico;
- n) on May 17, 2002, he was convicted in Ellis County, TX, Court for ASSAULT, and sentenced to 41 days of confinement. Cause Number 0210667CR; date of arrest was April 06, 2002;
- o) on May 22, 2002, he was encountered by INS Special Agents pursuant to his incarceration at the Ellis County, TX, Jail, determined to be unlawfully present in the United States, and his order of removal was reinstated by designated immigration officials;
- p) on May 23, 2002, agency form I-205 Warrant of Removal/ Deportation was executed by including his photograph, fingerprint, and signature, and GODINES-CARDENAS was removed from the United States to Mexico, by foot, at Laredo, TX;
- q) on May 25, 2002, he was encountered by Border Patrol at/ near Freer, TX, determined to be unlawfully present in the United States, and transported to the Freer, TX, Border Patrol Station for processing;
- r) on May 26, 2002, his order of removal was reinstated by designated officials in Freer, TX;
- s) on November 06, 2002*, he was convicted in the United States District Court for the Southern District of Texas, at Laredo, for RE-ENTRY OF A DEPORTED ALIEN, in violation of Title 8, United States Code, Section 1326(a) and 1326(b)(2), and sentenced to 16 months of confinement and 3 years of supervised release. Case Number 5:02CR00887-001; date of arrest was May 25, 2002. *On February 03, 2003, amendments were made to the judgment, which included correcting the offense section to read *1326(a) and 1326(b)(1)*; the sentence remained the same;
- t) on August 16, 2003, agency form I-205 Warrant of Removal/ Deportation was executed by including his photograph, fingerprint, and signature, and GODINES-CARDENAS was removed from the United States to Mexico, by foot, at Laredo, TX;
- u) on September 28, 2003, he was encountered by Border Patrol Agents at/ near Eagle Pass, TX, determined to be unlawfully present in the United States, and transported to the Eagle Pass, TX, Border Patrol Station for processing, where his order of removal was reinstated by designated immigration officials;
- v) on March 19, 2004, he was convicted in the United States District Court for the Western District of Texas, at Del Rio, for ILLEGAL RE-ENTRY INTO THE UNITED STATES, in violation of Title 8, United States Code, Section 1326(a), and sentenced to 21 months of confinement and 3 years of supervised release. Case Number DR-03-CR-736(01)WWJ; date of arrest was September 28, 2003;
- w) on March 19, 2004, the supervised release ordered by the United States District Court for the Southern District of Texas, at Laredo, for RE-ENTRY OF A DEPORTED ALIEN under Case Number 5:02CR00887-1, was revoked by the United States District Court for the Western District of Texas, at Del Rio, and he was sentenced to 8 months of confinement, to be served consecutively to the sentence imposed in Case Number DR-03-CR-736(01)WWJ. Case Number 2:04-CR-00238-WWJ; date of arrest was March 16, 2004;
- x) on November 23, 2005, agency form I-205 Warrant of Removal/ Deportation was executed by including his photograph, fingerprint, and signature, and GODINES-CARDENAS was removed from the United States to Mexico, by foot, at Laredo, TX;

- y) on December 10, 2007, he was convicted in Surry County, NC, District Court for the lesser offense DRIVING WHILE IMPAIRED – Level 4 and NO OPERATOR’S LICENSE, and sentenced to 120 days of confinement and 12 months of supervised probation. Court Docket 2007CR3120; date of arrest was August 25, 2007;
- z) on May 06, 2016, he was convicted in Surry County, NC, District Court for DRIVING WHILE LICENSE REVOKED NOT IMPAIRED REVOCATON and found responsible for the lesser offense IMPROPER EQUIPMENT – SPEEDOMETER. Court Docket 2015CR706048; date of arrest was November 18, 2015;
- aa) on February 15, 2017, he was granted Prayer for Judgment Continued in Surry County, NC, District Court for DRIVING WHILE LICENSE REVOKED NOT IMPAIRED REVOCATON. Court Docket 2016CR704869; date of arrest was September 08, 2016.

9. On May 08, 2023, your Affiant submitted GODINES-CARDENAS’ fingerprints through the Next Generation Identification (NGI) system, which is connected to the National Crime Information Center (NCIC), and an automated biometric identification system used by ICE termed IDENT. The fingerprint-based reports generated by that submission disclosed that he was the subject of FBI Number XXX935JB6, Immigration A-file Number XXX-405-959, and State Identification Numbers NCXXX8910A and TXXXX62239.

10. On May 09, 2023, Department of Homeland Security’s Biometric Support Center – West Latent Print Examiner L. Karel compared NCICE FD-249 dated April 20, 2023; TXINS (Dallas) FD-249 from A-file XXX-405-959 dated November 13, 1998; I-205 Warrant of Removal/ Deportation from A-file XXX-405-959 executed May 05, 1999, at Hidalgo, TX; TXINS (Dallas) FD-249 from A-file XXX-405-959 dated May 22, 2002; I-205 Warrant of Removal/ Deportation from A-file XXX-405-959 executed May 23, 2002, at Laredo, TX; TXINS (Laredo) FD-249 from A-file XXX-405-959 dated May 25, 2002; I-205 Warrant of Removal/ Deportation from A-file XXX-405-959 executed August 16, 2003, at Laredo, TX; TXINS (Del Rio) FD-249 from A-file XXX-405-959 dated September 28, 2003; TXUSM FD-249 for PROB VIOLATION dated March 16, 2004; MOINS FD-249 from A-file XXX-405-959 dated November 16, 2005; I-205 Warrant of Removal/ Deportation from A-file XXX-405-959 executed November 23, 2005, at Laredo, TX; and Surry County, NC, Sheriff’s Office arrest ten print card for STAT RAPE OF CHILD BY ADULT dated January 31, 2023; and determined that the fingerprints were made by the same individual.

11. On May 10, 2023, after thorough review of the A-file, your Affiant conducted record checks of immigration indices and was unable to locate any record that GODINES-CARDENAS was granted permission by the Attorney General of the States or the Secretary of the Department of Homeland Security to apply for admission to the United States after deportation/ removal.

12. Based on the above information your Affiant respectfully requests the issuance of a criminal complaint against Lucas GODINES-CARDENAS.

/S/ Erin North

Erin North

Deportation Officer

United States Immigration and Customs Enforcement

Dated: May 11, 2023

Pursuant to Rule 4.1 of the Federal Rules of Criminal Procedure, the affiant appeared before me via reliable electronic means (telephone), was placed under oath, and attested to the contents of this written affidavit.



Honorable L. Patrick Auld
United States Magistrate Judge
Middle District of North Carolina